

APPROVED: Meeting No. 45-90

ATTEST:

*Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 44-90

November 19, 1990

The Mayor and Council of Rockville, Maryland, convened in Executive Session in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on November 19, 1990, at 7:10 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle (arr. at 7:20 p.m.)      Councilmember Viola D. Hovsepian  
Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (Travel Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

At 7:30 p.m., the Mayor and Council convened in Public Hearing in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle      Councilmember Viola D. Hovsepian  
Councilmember James T. Marrinan

ABSENT

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Re: Public Hearing: Proposed  
wetlands mitigation for the  
Ritchie Parkway Project.

The Mayor and Council conducted a public hearing on the recommended wetlands creation sites. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed, with the record to be left open for four weeks, until December 17, 1990.

Re: Public Hearing: Amendment to  
Chapter 1 of the Rockville City  
Code so as to permit Chapter  
10B, entitled "Common Ownership  
Communities" of the Montgomery  
County Code which takes effect  
January 1, 1991, to apply  
within the City of Rockville.

The Mayor and Council conducted a public hearing on the proposed amendment to Chapter 1 of the Rockville City Code so as to permit Chapter 10B, entitled "Common Ownership Communities" of the Montgomery County Code to apply within the City of Rockville. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other persons wishing to be heard, the Mayor declared the hearing closed, with the record to be left open for two weeks, until December 3, 1990.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Dr. Ann Holt, Chairperson, Animal Control Board, voiced opposition to the introduction and adoption of an ordinance to amend Chapter 3 of the Rockville City Code (Item #5 on the agenda). She indicated that at the Board's worksession with the Mayor and Council on October 8, the Board agreed to have revisions to the Animal Control

Ordinance prepared within four to six weeks. Although efforts have been initiated in this regard, they requested an extension until February 1. The Animal Control Board opposes the proposed ordinance for several reasons: it is a piecemeal approach; there is no time for public and private discussion of the changes; the City is missing a unique opportunity to develop a model animal control ordinance that meets the City's needs and speaks to responsible pet ownership; the Animal Control Board believes that licensing fees and fines should ideally pay for the costs of regulating animals in the City and the proposed ordinance does not appear to achieve such a balance. She urged the Mayor and Council to defer action to change the current law pending a comprehensive review of the Animal Control Ordinance.

In response to Councilmember Coyle, Dr. Holt indicated that there are no issues of immediate consequence requiring change. Dr. Holt responded to Mayor Duncan that while the Board has no objection to charging owners in cases of quarantine or dogs at-large, they do not feel that owners should be charged when the Board has ordered that the City maintain custody of the animals. Mayor Duncan reiterated that this proposal is a technical amendment only which allows the City to recover its costs.

2. Leah Barnett, 19 Orchard Way North, as President of the Rockville Scholarship Foundation, noted that applications are now available at City Hall and the Rockville Chamber of Commerce as well as the career centers in Rockville's high schools. She encouraged interested individuals to apply and emphasized that community service is a major factor in selection. The annual fundraiser of the Rockville Scholarship Foundation is to be held on December 4, at the Civic Center Mansion, from 6-9 p.m.

3. Jean Collin, 4 Dairyfield Court, expressed her dissatisfaction with the actions of the Animal Control Board, indicating that they did not express enough concern with human safety issues.

Councilmember Coyle responded that the Board has acted in a very professional

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manner. As to Ms. Collin's question regarding recognition of Dr. Schlessinger for rescuing Arlynn Joffe, Mayor Duncan noted that he would be recognized at the Annual Public Safety Awards to be held in June.

4. Amy Vachon, 3 Dairyfield Court, expressed hope that the City would appeal the most recent order of the Animal Control Board. She also expressed dissatisfaction with the Animal Control Board's actions.

5. Randy Slovic, 9 Dairyfield Court, indicated that the City's decision as to whether or not to appeal the Animal Control Board's recent order was a policy decision and should be discussed in a public forum. Mayor Duncan responded that discussion of legal strategy would not take place in a public arena.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Introduction and Adoption of Ordinance to amend Chapter 3, "Animals" of the Rockville City Code so as to establish the responsibility of the owner of an animal placed in the care, custody and/or control of the City for all costs of boarding and maintenance and veterinary procedures relating to said animal; to provide for the collection of said costs; to clarify the definition of the term "owner," and to provide that upon the failure of the owner to make timely payment of said costs, the animal shall be deemed abandoned and forfeited to the City for appropriate disposal.

The City Attorney noted that this ordinance provides a mechanism for assessing owners the costs of boarding and veterinary care. Councilmember Hovsepien commented that the ordinance should not be introduced until such time as the Animal Control Board has

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an opportunity to fully review the proposal. Councilmember Coyle agreed with the merits of the ordinance but felt that introduction should be deferred. Mayor Duncan disagreed, noting that this is a technical amendment allowing the City to assess costs when animals have been impounded. The City needs a mechanism for collecting fees for tattooing, etc., and it is important to get this technical change on the books.

It was then decided that this item and the following item would be placed on the agenda for November 26.

Re: Adoption of Resolution to establish licensing fees for dogs; to establish administrative and municipal infraction fines for violations of Chapter 3, "Animals," of the Rockville City Code; and to establish impoundment and boarding fees.

This item was also deferred until the meeting of November 26.

Re: FYI/Correspondence

Pedestrian Linkage to Metro Overpass

Mayor Duncan inquired as to the status of this project, and the City Manager responded that he will check to see if there is more up-to-date information.

Lynfield Neighborhood Association

Councilmember Hovsepian requested that staff respond to the question of annual inspections for single-family rental homes as to the impact such a change in policy would have in terms of number of inspectors, etc.

Job Support for Seniors

Councilmember Hovsepian noted the commendation of Lorraine Schack of the Recreation Department's Senior Services, Helen Roberto and Jim Henry of the Senior Citizens Commission and Nancy Zombolas of Graphics for their contributions to the recent 4th Annual Job Fair for Mature Workers.

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Re: New Business

Councilmember Hovsepien noted that a number of months ago in discussions regarding historic designation of the Civic Center, both the Cultural Arts Commission and the Recreation and Park Advisory Board recommended denial. At that time, they were requested to get together with the Historic District Commission and attempt to resolve their differences. The Mayor and Council were to subsequently hold a worksession with these commissions, and Councilmember Hovsepien suggested that the worksession be scheduled now. Mayor Duncan responded that the chairs of the three commissions have met and come to an agreement which will be reduced to writing and forwarded to the Mayor and Council in the near future.

Councilmember Marrinan referenced a memorandum from the City Manager regarding the bike helmet safety legislation introduced by Montgomery County, noting that a public hearing is scheduled for December 4. Mayor Duncan responded that staff would monitor the hearing and report back to the Mayor and Council. The City Attorney noted that research would be done to determine if such legislation would automatically apply in the City when adopted by the County.

Councilmember Hovsepien reported that Councilmember Coyle had appeared on the CBS This Morning show today on a segment regarding fire safety, and he was commended for an excellent presentation.

Mayor Duncan commented that trees have been burned in the process of clearing property for Ritchie Parkway. He requested information as to regulations for fire equipment at the site of burning and disposal of the ashes. He also requested, and the Council agreed, that a letter be sent to the County asking that no burning permits be issued for City construction projects in the future.

Mayor Duncan also noted that the Rockshire Garden Club which maintains the corner at Hurley Avenue and Route 28 has requested matching funds to continue the

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project. It was noted that they do a beautiful job and save the City a significant amount of money. The Mayor and Council agreed that matching funds (of approximately \$1,500), the source of which is the Targets of Opportunity fund, would be made available to the Rockshire Garden Club.

Re: Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 10:45 p.m. to consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 12:30 a.m., to convene again in General Session at 7:30 p.m. on November 26, 1990, or at the call of the Mayor.